

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PERICLES LINARDOS,

X

Plaintiff,

ORDER

-against-

CV 14-1984

INCORPORATED VILLAGE OF MUTTONTOWN;  
JULIANNE BECKERMAN, individually and as Mayor  
of the Village of Muttontown; ANTHONY TOSCANO,  
individually and as Highway Superintendent/Arborist  
for the Village of Muttontown and EDWARD HAUSER,  
individually and as a Code Enforcement Officer of the  
Village of Muttontown,

Defendants.

X

WEXLER, District Judge:

Plaintiff brings this action alleging violations of his First Amendment and Fourteenth Amendment constitutional rights, pursuant to 42 U.S.C § 1983, a claim of conspiracy to violate his constitutional rights in violation of 42 U.S.C. § 1985, and violations of his rights under the New York State Constitution, in connection with appearance tickets he received in January 2013 for removing trees at his home without a permit. Plaintiff asserts that the appearance tickets were issued to him and not to others because of his public disagreement with Defendants, including the Muttontown Mayor, over the creation of the Muttontown Police Department and other issues. Presently before the Court is Defendants' motion for summary judgment.

Having reviewed the papers in support of and in opposition to the motion for summary judgment, the Court finds that a genuine issue of material fact exists with respect to whether Defendants issued the appearance tickets to Plaintiff because of his public statements and

participation in acts that disagreed with the Defendants. Such an issue of fact precludes the entry of summary judgment at this time. The parties may renew their arguments at the time of trial.

Accordingly, Defendant's motion for summary judgment is denied. Counsel are advised that jury selection is scheduled for June 1, 2016.

SO ORDERED.

*s/ Leonard D. Wexler*  
LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York  
September 1, 2015